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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/598,099	08/17/2006	Vojislav Jurisic	VLA24201	1033
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JOHN RUSSELL UREN 1337 Gulf Road PO BOX 1304 POINT ROBERTS, WA 98281-1304			EXAMINER TRIEU, THAI BA	
			ART UNIT	PAPER NUMBER
			3748	
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			11/07/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/598,099

Applicant(s)

JURISIC, VOJISLAV

Examiner

Thai-Ba Trieu

Art Unit

3748

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Priority

Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Yugoslavia on February 18, 2004. It is noted, however, that applicant has not filed a certified copy of the foreign application as required by 35 U.S.C. 119(b).

Information Disclosure Statement

The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

Claim Objections

Claims 1-11 are objected to because of the following informalities:

- In claim 1, line 1, "***Elliptical-rotary motor***" should be replaced by – **An elliptical rotary motor --.**

- In claims 2-11, line 1, "***Elliptical-rotary motor***" should be replaced by – **The elliptical rotary motor --.**

Appropriate correction is required.

Claim Suggestions

Applicant is suggested to revise the claimed limitation of ***“fresh mixture”*** in claim 9 as following – **air-fuel mixture** --.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

Claims 2-4 and claim 9 and its dependent claim 10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically,

- In claim 2-4, the recitations of "larger pin" and "smaller pin" render the claims indefinite, since it is not clear that how larger/bigger the size/shape of the pin is or how smaller the size/shape of the pin is? Applicant is required to define the size/shape of each pin or to revise the claimed limitations.

- In claim 9, line 4, the recitation of "fresh mixture" renders the claims indefinite, since it is not clear that how fresh is the mixture. Applicant is required to clarify the freshness of the mixture or to revise the claimed limitation.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Art Unit: 3748

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 and 9-10 rejected under 35 U.S.C. 102(b) as being anticipated by Berggren (Patent Number 1,918,174).

Berggren discloses an elliptical-rotary motor with internal combustion, indicated so, consisting of stator (1) within which rotates rotor (9) together with work cylinder (11) and piston (18) which is by rod (19) via rocker (Not Numbered) connected to rotor (9);

wherein the rocker (Not Numbered) is, via larger pin (Not Numbered) connected with rod (19), and via smaller pin (16') which is placed in opening (Not Numbered) is connected with rotor (9); and

wherein rocker (Not Numbered) is, via larger pin (Not Numbered) connected with rod (19) and via smaller pin (16') which is placed in opening (Not Numbered) is connected with rotor (9) (See Figure 1-2, Page 1, lines 36-69).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berggren (Patent number 1,918,174), in view of Emmel Erich (Patent Number DE 859,694).

Berggren discloses the invention as recited above; however fails to disclose satellite gears, an inner tooth gear, roller bearings, and deck-lids.

Emmel Erich teaches that it is conventional in the rotary engine art, to utilize satellite gears (12a) are via larger pin (13c) symmetrically geared to off-center mounted inner-tooth gear (iT) in the ratio $i=2$; wherein inner-tooth gears (iT) are of off-center mounted relative to rotation axis and placed between stator and deck-lids (15a, 15b); wherein inner-tooth gears (iT) off-center mounted relative to rotation axis, are placed in deck-lids (15a, 15b); wherein inner-tooth gears (iT) off-center mounted relative to rotation axis, are located in stator (15a, 15b); wherein a deck-lid (15a, 15b) off-center mounted roller bearings (13) carry satellite gears (12a, 12b) (See Figures 1, 3, and 5-6).

It would has been obvious to one having ordinary skill in the art at that time the invention was made, to have utilized satellite gears, an inner tooth gear, roller bearings, and deck-lids, as taught by Emmel Erich, to improve the control of the of the Berggren device.

Claims 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berggren (Patent number 1,918,174), in view of Luckhardt (Patent Number 3,391,678).

Beggren discloses the invention as recited above, and further discloses in stator (1) are placed ports (31) for flushing and cooling of piston forehead, opening for sparkplug (32), intake port for intake of fresh mixture (26), exhaust port for elimination of

Art Unit: 3748

combustion products (30), opening for cooling (5,6); and port (via 27) for injection of fuel into work cylinder (11) (See Figure 1).

However, Berggren fails to disclose ports for regulating vacuum in intake stroke.

Luckhardt teaches that it is conventional in the rotary engine art, to utilize ports for regulating vacuum in intake stroke (via 11c) (See Figure 2A).

It would have been obvious to one having ordinary skill in the art at that time the invention was made, to have utilized ports for regulating vacuum in intake stroke, as taught by Luckhardt, to improve the efficiency of the Berggren device.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Berggren (Patent number 1,918,174), in view of Jackson (Patent Number 1,766,385).

Berggren discloses the invention as recited above; however Berggren fails to disclose one integral with n units of motors.

Jackson teaches that it is conventional in the internal combustion engine art, to utilize n connected elliptical-rotary motors in rotation axis and phase off-set by the angle of $360/n$, constitute one integral whole (See Figures 1, 3-4, 7-10).

It would have been obvious to one having ordinary skill in the art at that time the invention was made, to have utilized one integral with n units of motors, as taught by Jackson, to provide an alternative arrangement/design for the Berggren device, since the use thereof would have applied/used for big/heavy vehicles.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- McGathey (US Patent Number 3,931,810) discloses a rotary piston internal combustion engine.

- Lewis (US Patent Number 2,036,060) discloses a rotary piston internal combustion engine.

- McCann (US Patent Number 1,990,660) discloses a radial rotary piston internal combustion engine.

- Wilkerson (US Patent Number 2,244,438) discloses a rotating cylinder Internal combustion engine.

- McDonald (US Patent Number 1,341,332) discloses a rotary engine.

- Wolf (US Patent Number 618,157) discloses a gas engine.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thai-Ba Trieu whose telephone number is (571) 272-4867. The examiner can normally be reached on Monday - Thursday (6:30-5:00).

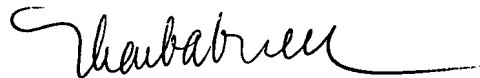
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas E. Denion can be reached on (571) 272-4859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

Art Unit: 3748

published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TTB
October 29, 2007



Thai-Ba Trieu
Primary Examiner
Art Unit 3748